

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL HARPER,

Plaintiff,

v.

B. POWELL, et al.,

Defendants.

No. 2:24-cv-1279 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the court on May 2, 2024. The court's records reveal that on April 17, 2024, plaintiff filed a complaint in this court that contains virtually identical allegations. See Harper v. Powell, No. 2:24-cv-1343 TLN AC P.¹ Due to the duplicative nature of the present action, this court will recommend that the complaint be dismissed.

Accordingly, the Clerk of the Court IS HEREBY ORDERED to randomly assign a district judge to this case; and

IT IS RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

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¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 These findings and recommendations are submitted to the District Judge assigned to this
2 case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served
3 with these findings and recommendations, plaintiff may file written objections with the court.
4 The document should be captioned “Objections to Magistrate Judge’s Findings and
5 Recommendations.” Plaintiff is advised that failure to file objections within the specified time
6 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
7 Cir. 1991).

8 Dated: May 28, 2024

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11 DEBORAH BARNES
12 UNITED STATES MAGISTRATE JUDGE
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23 DB prisoner inbox/civil rights/R/harp1279.23
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